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Applicant: Kijima
Appl. No.: 10/527,233
International Filing Date: March 5, 2003
Title: PHENOLIC POLYMER NANOTUBE AND PRODUCTION METHOD THEREOF
Attorney Docket No.: 12480-000107/US
Pub. No.: US 2006/0160981 A1
Pub. Date: July 20, 2006

This is a decision on the request for a "Corrected Notice of Publication", received on January 12, 2007, for the above-identified application

The request is DISMISSED.

Applicant requests that the Notice of Publication of Application be corrected because the title is incorrect as it may have been pulled from the original PCT application but it is not the title used in the declaration and specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

If applicant is attempting to make a request for corrected publication, the request received on January 12, 2007, was not timely filed under 37 CFR 1.221(b).

The Notice of Publication cannot be reprinted with a new title as requested, as there is not a process to generate a new notice. Since the title of the application was not amended, it was correctly published with the title from the PCT application. See MPEP 1893.03(e)(1).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

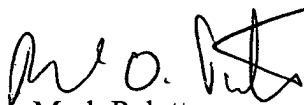
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



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